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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,566	12/07/2001	Michael J. Markowski	N0391/7007 SJH	4319
23628	7590	01/27/2005	EXAMINER	
WOLF GREENFIELD & SACKS, PC			CHARLES, DEBRA F	
FEDERAL RESERVE PLAZA			ART UNIT	PAPER NUMBER
600 ATLANTIC AVENUE				
BOSTON, MA 02210-2211			3624	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/010,566	MARKOWSKI, MICHAEL J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Debra F. Charles	3624	

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address ~

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 December 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

***Claim Objections***

1. Claims 4, 9 and 14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 1-3, 6-8 and 11-13. See MPEP § 608.01(n). Accordingly, the claims 4,9 and 14 will not been further treated on the merits. There should only be one dependent claim relationship.

***Claim Rejections - 35 USC § 103***

2. Claims 1,4,5, 6,9,10, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masand et al.(U.S.Pub. 2002/0095362A1) and Langseth et al. (U.S.PAT. 6662195B1).

Re claims 1, 6 and 11: Masand et al. disclose apparatus(para. 0042), a computer program product comprising a computer-readable medium having encoded therein computer program instructions for execution by a server computer(para. 0042, 0048), and a method for assisting an individual using a client computer to analyze a domain-specific parameter(para. 0047, 0057-0064), comprising: a server computer executing computer program instructions to

- (1) receive from the client computer an identification of a parameter to be analyzed(para. 0026,0027),
- (2) obtain from a data source a current value for the parameter(para. 0040, 0041).

Masand et al. disclose(s) the claimed invention except (3) provide to the user computer an evaluation of the current value and an explanation of a possible significance of that evaluation. However, in col. 11, lines 1-45 thereof, Langseth et al. disclose(s) analyst and broker recommendations that effectively do provide an evaluation of the current situation and also expresses the importance of the current situation on future activity. It would be obvious to one of ordinary skill in the art to modify the invention of Masand et al. based on the teachings of Langseth et al. The motivation to combine these references is to effectively and efficiently enable suggested strategies based on existing parameters.

Re claims 4, 9, and 14. Masand et al. disclose(s) the claimed invention except to provide a reference to one or more additional

tools or parameters that might beneficially be studied next. However, in col. 11, lines 1-45 thereof, Langseth et al. disclose(s) analyst and broker recommendations that effectively do provide an evaluation of the current situation and also expresses the importance of the current situation on future activity. It would be obvious to one of ordinary skill in the art to modify the invention of Masand et al. based on the teachings of Langseth et al. The motivation to combine these references is to effectively and efficiently enable suggested strategies based on existing parameters.

Re claims 5, 10 and 15. Masand et al. disclose(s) parameter is a performance characteristic of a publicly traded security(para. 0026,0027).

3. Claims 2,3,7,8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masand et al. and Langseth et al. as applied to claim 1, 6 and 11 above, and further in view of Bieganski et al. (U.S.PAT. 6334127B1).

Masand et al. and Langseth et al. disclose(s) the claimed invention except dividing into broad bands a range the parameter values have experienced over a predetermined period of time, and relating the current value in terms of said bands. And wherein providing an evaluation further includes providing a possible or likely significance of the value falling within a specific band. However, in the Abstract, col. 8, line 1 – col. 13, line 10, Bieganski et al. disclose frequency distributions which are ranges of outcomes. It would be obvious to one of ordinary skill in the art to modify the invention of Masand et al. and Langseth et al. based on the teachings of Bieganski et al. The motivation to combine these references is to effectively and efficiently enable suggested strategies based on existing parameters.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ray et al. (U.S.PAT. 6018722A) discloses a S.E.C. registered individual account investment advisor expert system.

Saladin et al. (U.S.PAT. 5262941A) discloses an expert credit recommendation method and system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



Debra F. Charles  
Examiner

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